

Message Text

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ACTION IO-13

INFO OCT-01 CIAE-00 CU-02 INR-07 NSAE-00 AID-05 USIA-06
AF-10 ARA-06 EA-07 EUR-12 NEA-10 ISO-00 L-03 H-01
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R 171639Z MAY 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 2904
INFO AMEMBASSY CANBERRA
USMISSION GENEVA
USMISSION USUN

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NESCO/AIDAC

E.O. 11652: N/A
TAGS: AORG, OCON, ECOSOC, UN, UNESCO
SUBJECT: UNESCO ACCEPTANCE OF NEW JIU STATUTE -- UNESCO
102ND EXECUTIVE BOARD, ITEM 3.2.1

REFS: (A) STATE 094616, (B) CANBERRA 2976, (C) STATE
094002, (D) PARIS 12250, (E) PARIS 11966, (F) STATE
085490, (G) STATE 083056, (H) PARIS 08907

1. INCLUDE AID/PPC/IA/UN IN DISTRIBUTION.
2. SUMMARY: U.S. PERMDEL WAS ABLE TO AMEND SECRETARIAT DRAFT RESOLUTION IN SPECIAL COMMITTEE WHICH LATER RATIFIED BY UNESCO EXECUTIVE BOARD. FINAL RESOLUTION GIVES NOTICE OF INTENT FOR UNESCO TO HAVE UNINTERRUPTED RELATIONS WITH JIU AND INFORMS SECRETARY GENERAL OF UN THAT QUESTION OF FINAL ADOPTION OF NEW STATUTE BY UNESCO WILL BE BROUGHT TO NEXT GENERAL CONFERENCE. SENIOR SECRETARIAT OFFICIALS CONTINUED OPPOSE THIS

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LANGUAGE RIGHT UP TO FINAL VOTE. SOME SECRETARIAT STAFF WANTED TO USE NON-RATIFICATION BY UNESCO AS LEVER TO HAVE GENERAL ASSEMBLY REOPEN ISSUE OF JIU AND TO CHANGE STATUTE ADOPTED BY GENERAL ASSEMBLY IN DECEMBER 1976. THESE VIEWS HOWEVER DID NOT REPEAT NOT REPRESENT VIEW OF DIRECTOR GENERAL WHO SEES UNESCO'S UNINTERRUPTED COOPERATION WITH JIU AS NECESSARY AND

VALUABLE TO UNESCO. PHILIP OF AUSTRALIA WAS VERY HELPFUL TO U.S. PERMDEL IN GETTING NEW LANGUAGE ADOPTED, AS WAS ALSO DAYAL FROM INDIA, VAN USSEL FROM BELGIUM, AND ALDABA-LIM FROM PHILIPPINES. END SUMMARY.

3. RESOLUTION 102 EX/3.2.1 BY EXECUTIVE BOARD ON JIU STATUTE AS FOLLOWS:

QUOTE THE EXECUTIVE BOARD,

1. CONSIDERING THAT THE GENERAL CONFERENCE AT ITS NINETEENTH SESSION AUTHORIZED THE CONTINUED CO-OPERATION OF UNESCO WITH THE JOINT INSPECTION UNIT AND INVITED THE EXECUTIVE BOARD TO STUDY THE NEW STATUTE OF THE JOINT INSPECTION UNIT AND TO TAKE APPROPRIATE MEASURES TO ENSURE THAT UNESCO WILL BENEFIT FROM THE OPERATIONS OF THE UNIT (19 C/RESOLUTION 41.1),

2. HAVING EXAMINED THE NEW STATUTE OF THE JOINT INSPECTION UNIT (GENERAL ASSEMBLY RESOLUTION 31/192/XXXI) AS REQUESTED BY THE GENERAL CONFERENCE IN THE ABOVE-MENTIONED RESOLUTION (19 C/RESOLUTION 41.1).

3. FINDS THAT ACCEPTANCE OF THE STATUTE REQUIRES FORMAL ACTION BY THE GENERAL CONFERENCE AT ITS TWENTIETH SESSION:

4. CONSIDERING THAT SUCH ACTION COULD NOT BE TAKEN UNTIL AFTER THE COMING INTO EFFECT OF THE NEW STATUTE AND THAT INTERIM ARRANGEMENTS WOULD THEREFORE BE RELIMITED OFFICIAL USE

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REQUIRED.

5. INVITES THE DIRECTOR-GENERAL TO TRANSMIT THIS RESOLUTION TO THE SECRETARY-GENERAL OF THE UNITED NATIONS WITH THE NOTICE THAT UNESCO'S EXECUTIVE BOARD HAS INDICATED THAT UNESCO INTENDS TO HAVE UNINTERRUPTED RELATIONS WITH THE JOINT INSPECTION UNIT AND WILL BRING THE QUESTION OF THE NEW STATUTE TO THE ATTENTION OF THE GENERAL CONFERENCE;

6. DECIDES TO CONTINUE ITS CONSIDERATION OF THE QUESTION OF THE JOINT INSPECTION UNIT AT A LATER SESSION SO AS TO PROVIDE THE GENERAL CONFERENCE WITH ITS RECOMMENDATIONS FOR RATIFICATION OF THE NEW STATUTE AND WITH OBSERVATIONS CONCERNING FUTURE OPERATIONS OF THE JOINT INSPECTION UNIT AND OF ITS RELATIONS WITH UNESCO. UNQUOTE.

4. AT SPECIAL COMMITTEE MEETING THERE WERE THREE

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VERSIONS OF OPERATIVE PARAGRAPH 5 IN DRAFT RESOLUTION.
A. FIRST VERSION WAS LANGUAGE DRAFTED AND LOBBIED VI-
GOROUSLY BY DDG FOBES, LEGAL ADVISOR LUSSIER, AND IN-
SPECTOR GENERAL JIMENEZ CALLED FOR DIRECTOR GENERAL OF
UNESCO TO REQUEST THE GENERAL ASSEMBLY TO TAKE ACTION
TO ALLOW UNESCO TO WORK WITH JIU UNDER OLD STATUTE UN-
TIL SUCH TIME AS GENERAL CONFERENCE COULD CONSIDER NEW
STATUTE.

B. SECOND VERSION WHICH HAD ALREADY BEEN FLOATED WAS
LANGUAGE WORKED OUT BY U.S. AND BELGIUM CALLING FOR
EXECUTIVE BOARD TO GIVE PROVISIONAL ACCEPTANCE TO
NEW STATUTE SUBJECT TO GENERAL CONFERENCE MAKING FINAL
DECISION FOR JIU TO BECOME A SUBSIDIARY ORGAN OF
GENERAL CONFERENCE.

C. THIRD VERSION WHICH U.S. PARTICIPANT HELD IN COAT
POCKET WAS FALLBACK POSITION WITH LANGUAGE WORKED
OUT BY U.S. AND INDIA GIVING STATEMENT OF INTENT BY
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EXECUTIVE BOARD FOR UNINTERRUPTED UNESCO COOPERATION WITH JIU AND NOTICE THAT QUESTION OF FORMAL ADOPTION OF NEW JIU STATUTE WILL BE BROUGHT TO NEXT GENERAL CONFERENCE.

5. UNESCO'S DDG AND LEGAL ADVISOR ATTACKED VERSION B MAINTAINING THAT EXECUTIVE BOARD DID NOT HAVE AUTHORITY EVEN TO GIVE PROVISIONAL ACCEPTANCE TO NEW JIU STATUTES. DESPITE EARLIER LOBBYING BY U.S. AND BELGIUM FOR VERSION B. ABOVE, U.S. SENSED THAT DDG AND LEGAL ADVISOR WERE SWINGING COMMITTEE MEMBER TO ACCEPT THEIR VERSION A. ABOVE. THEREFORE, U.S. TABLED VERSION C. ABOVE AS A LAST MOMENT ORAL AMENDMENT REPRESENTING LANGUAGE WORKED OUT BY INDIA AND U.S. DDG WAS ANGRY. LEGAL ADVISOR TRIED TO OBFUSCATE BUT UNDER DIRECT QUESTIONING BY PHILIPS OF AUSTRALIA HAD TO RULE THAT A STATEMENT OF INTENT BY EXECUTIVE BOARD WAS LEGAL, AND THAT VERSION C SEEMED TO MEET REQUIREMENTS BOTH OF 19 GENERAL CONFERENCE RESOLUTION 41.1 AS WELL AS BEING CONSTITUTIONAL. WITH THAT THE SPECIAL COMMITTEE ADOPTED VERSION C. BY THIRTEEN FOR, NONE AGAINST AND ONE ABSTENTION (POLAND, WHO DID NOT SEEM TO KNOW WHAT THIS ITEM WAS ALL ABOUT AND APPARENTLY FELT IT MORE PRUDENT TO ABSTAIN THAN TO DO ANYTHING ELSE.).

6. IN DISCUSSIONS WITH DDG AND OTHERS IN SECRETARIAT BEFORE AND DURING THIS ACTION BY SPECIAL COMMITTEE, US PERMDEL MEMBER CAME TO THE VIEW THAT THE MAJOR OPPOSITION OF THE SECRETARIAT TO NEW JIU STATUTE WAS ORIGINATING MAINLY FROM THREE VENERABLE SECRETARIAT MEMBERS. THESE WERE THE DDG, THE LEGAL ADVISOR AND THE INSPECTOR GENERAL, WITH THE DDG TAKING THE LEAD. DDG FEELS THAT UNGA DECISION ON NEW JIU STATUTE SHOULD BE CHANGED. HE SAW UNESCO NON-RATIFICATION AS WAY TO FORCE UNGA TO REOPEN QUESTION OF JIU. HE FEELS THAT UNGA DECISION IS LIMITED OFFICIAL USE

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CARELESS JOB OF DRAFTING WHICH MAKES JIU TOO POWERFUL, AND DOES NOT SHOW PROPER CONCERN FOR SPECIAL NATURE OF SPECIALIZED AGENCIES.

FYI. IN PRIVATE CONVERSATION BETWEEN DDG AND SLEEPER OF US PERMDEL AFTER U.S. LANGUAGE WAS ADOPTED, DDG EX-

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PRESSED CONSIDERABLE PIQUE BECAUSE HE
HAD NOT BEEN CONSULTED BY ANYONE, BUT ESPECIALLY BY
ANY AMERICANS, WHEN NEW JIU STATUTE WAS BEING DRAFTED.
HE SAID THAT HE KNEW MORE ABOUT THE JIU THAN ALMOST
ANYONE IN UN SYSTEM. HE WENT ON TO SAY THAT
HE HAD ADVISED THE FRENCH SEVERAL YEARS AGO ON HOW
TO DRAW UP THE THEN NEW MANDATE FOR JIU TO MAKE IT AS
INEFFECTIVE A BODY AS POSSIBLE. END FYI.

7. IT ALSO VIEW OF U.S. PERMDEL MEMBER THAT DDG AND
LEGAL ADVISOR WERE NOT REFLECTING VIEW OF DG
ON JIU. DG IN INTERVENTION AT PLENARY OF EXBD WHICH
RATIFIED SPECIAL COMMITTEE RECOMMENDATION, INDICATED
SPECIAL IMPORTANCE THAT HE GAVE TO FUNCTION OF JIU AND
TO NEED FOR UNINTERRUPTED RELATIONS. HE ALSO AGREED
WITH VAN USSEL OF BELGIUM WHO AT PLENARY INDICATED THAT
HE THOUGHT EXECUTIVE BOARD ACTUALLY HAD THE POWER TO
GIVE FINAL APPROVAL TO NEW JIU STATUTE IN ACCOR-
DANCE WITH 19TH GC RESOLUTION 41.1. IT APPEARS
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THAT DURING EARLIER SESSIONS OF SPECIAL COMMITTEE DG
WHO WAS PREOCCUPIED WITH OTHER MATTERS MAY NOT HAVE
BEEN KEPT ABREAST OF CONCERN BY U.S., BELGIUM AND
OTHERS RE EARLY AND POSITIVE ACTION ON NEW JIU STATUTE.
IT APPEARS THAT DDG AND LEGAL ADVISOR FELT THAT SPE-
CIAL COMMITTEE AND THEN BOARD WOULD GO ALONG WITH THEIR
PROPOSAL TO HAVE UNGA TAKE UP MATTER OF JIU AGAIN.
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